

WASHINGTON COUNTY PLANNING COMMISSION MINUTES

July 6, 2017

7:00 p.m.

Supervisors Room, County Courthouse, 1555 Colfax Street, Blair, Nebraska

“All Commission members receive staff reports approximately one week prior to the meeting”

MEMBERS PRESENT

Gary Lambrecht  
Matt Mathiesen  
Terry Rasmussen  
Lyle Schjodt

STAFF PRESENT

Ryan Sullivan  
Teresa McBride

COMMISSION ACTION:

Members Wes Petznick, Steve Neuverth and Dale Albracht were absent.

With regard to the June 1, 2017 minutes, the following action was taken:

MOTION: Mathiesen  
I move the minutes be approved as presented.  
SECOND: Rasmussen  
VOTE: Aye – Mathiesen, Schjodt, Rasmussen  
Abstain-Lambrecht

MOTION CARRIED

With regard to the agenda, the following action was taken:

MOTION: Schjodt  
I move the agenda be approved as presented.  
SECOND: Mathiesen  
VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

Chairman Lambrecht welcomed everyone and stated this meeting will be conducted in accordance with the Nebraska Open Meetings Act and a copy of that Act is posted on the door; and noted that copies of material the Commission has is also available on the counter in the back of the room.

OLD BUSINESS

Conditional Use Permit reviews: Approved Administratively per County Zoning Regulations Section 6.14 and 6.18.

There are no Conditional Use Permit reviews for July 2017

PUBLIC HEARINGS

FINAL PLAT

**1. Request by Gary Tinkham**

A proposed 3 lot residential subdivision, to be known as Tinkham Acres including Tax lot 35 in Section 25 Township 17 North-Range 12 East of the Sixth P.M., tax lot 44 & 46 in Section 30 Township 17 North-Range 13 East of the Sixth P.M. and tax lot 21 in Section 19 Township 17 North-Range 13 East of the Sixth P.M. (General location: County Road 38 & Hwy 75).

Gary Tinkham addressed the Planning Commission stating that he has met all the County requirements. Ryan Sullivan, Washington County Planning and Zoning Administrator, stated he had received the perc tests for the property and they had been approved by the Washington County Building Inspector.

Chairman Lambrecht opened the public hearing.  
Chairman Lambrecht closed the public hearing.  
Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Schjodt  
I make a motion to approve the Final Plat as presented.  
SECOND: Mathiesen  
VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay - None

MOTION CARRIED

REZONE

**2. Request by Gary Tinkham**

Rezone of a proposed residential subdivision, to be known as Tinkham Acres including Tax lot 35 in Section 25 Township 17 North-Range 12 East of the Sixth P.M., tax lot 44 & 46 in Section 30 Township 17 North-Range 13 East of the Sixth P.M. and tax lot 21 in Section 19 Township 17 North-Range 13 East of the Sixth P.M. from A-1 Agriculture Primary to RS-1 and RS-2 as per subdivision regulations. (General location: County Road 38 & Hwy 75).

Gary Tinkham explained that the subdivision lots would be zoned RS-1 and RS-2.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Mathiesen  
I make a motion to approve the rezone request.  
SECOND: Schjodt  
VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

---

CONDITIONAL USE PERMIT

**3. Request by Andrew & Alicia Edsen/Steve Huber, Hofer Assoc.**

Conditional Use Permit request to allow an accessory building on Tax Lot 32 in Section 19-Township 17 North-Range 12 East of the Sixth P.M. (General location: 3806 Indian Grass Circle, Blair, NE)

Steve Huber, Hofer Associates, addressed the Planning Commission and explained that the plan is to add to a detached garage which is within the 50' setback. The garage should have had a CUP initially but did not. He is asking for the CUP to bring the building into compliance with County regulations.

Chairman Lambrecht opened the public hearing.

Sullivan read a letter from a neighboring property owner, Cunningham, stating his concerns that if the addition contained a full bathroom it could become a rental property.

Huber stated that the homeowner wished to have an office above the garage and wanted the convenience of a bathroom.

Sullivan stated the issue of what would be allowed in the addition would be handled in the Washington County Planning and Zoning Office.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Schjodt questioned why this was a CUP instead of a Variance. Sullivan explained the history of the amendment.

MOTION: Rasmussen  
I make a motion to approve the CUP request for an accessory building within the 50' setback.  
SECOND: Mathiesen  
VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

---

CONDITIONAL USE PERMIT

**4. Request by Ross & Danielle Ridenoure**

Conditional Use Permit request to establish and operate a seasonal event venue on Tax Lot 14 in Section 31 Township 19 North-Range 11 East of the Sixth P.M. (General location: 16512 County Road 18, Blair, NE)

Ross Ridenoure explained to the Commission the request for an event venue to be open Mid May to Mid August and Mid-September to November. The events would be mainly weddings held on Fridays and Saturdays, approximately 40 days total. The occupancy would be approximately 150 people but could vary. At this time the Ridenoures are living in Omaha, but once the barn is complete they will begin renovation on the house so they can move in there. If approved, they will also ask the state for a liquor license.

Chairman Lambrecht opened the public hearing.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Schjodt asked what kind of agreement the Ridenoures would have with patrons regarding the farm smells and activities. Ridenoures stated they would have a waiver stating that patrons would be exposed to normal farm activity. Schjodt also voiced concerns over the county roads and the farm implements that travel those roads.

Sullivan stated the County Roads Supervisor had done a road study and had no problem with the area, other than advising a few trees be trimmed to help with visibility.

Joel Chastain, contractor for the Ridenoures, explained the back wall would be doors and windows facing a patio overlooking the prairie.

MOTION: Schjodt  
I make a motion to deny the CUP request as presented.

SECOND: Lambrecht

VOTE: Aye – Schjodt, Lambrecht  
Nay – Mathiesen, Rasmussen

MOTION FAILED

MOTION: Mathiesen  
I make a motion to continue this agenda item till next month and ask that the Ridenoures provide more information.

SECOND: Rasmussen  
Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht

MOTION CARRIED

Ridenoure asked what additional information the Planning Commission would like. They asked for a better map, plot plan showing parking and a copy of the waiver patrons would be asked to sign.

---

**CONDITIONAL USE PERMIT**

**5. Request by Rebecca & Randall Smith**

Conditional Use Permit request to temporary allow for two residences in Section 31, Township 17 North, Range 12 East of the Sixth P.M., Tax Lot 29 (General location: 1237 Macc Lane, Omaha, NE).

Randall Smith addressed the commission and stated the purpose of the request. They live onsite now and would like to continue to live there while building a new home. The existing residence would then be decommissioned.

Kris Robinson, Washington County Building Inspector, stated that the kitchen and restroom would need to be removed from the existing house for it to be unlivable. Smith was in agreement with the requirements.

Chairman Lambrecht opened the public hearing.

Sullivan read a letter from a neighbor, Robin Hayes, voicing her concerns over a dog kennel being run from the Smith's residence. Smith stated that while there are 10 dogs and 6 puppies currently on the location, they all belong to Smiths. They do not board or kennel dogs.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Lambrecht  
I make a motion to approve the CUP request as presented.

SECOND: Schjodt

VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

---

**CONDITIONAL USE PERMIT**

**6. Request by Melissa Lester**

Conditional Use Permit request to allow an accessory building prior to new home construction on Tax Lot 67 in Section 35-Township 17 North-Range 12 East of the Sixth P.M. (General location: Dutch Hall Road & County Road P43, Omaha, NE)

Melissa Lester and her attorney, David Drew, Drew Law Firm, addressed the Planning Commission. He asked to combine Agenda Items 6 & 7. The commission members said no, they needed to be separate. Drew stated Lester had a permit to build an accessory building. It was not suppose to be used for commercial use, but she is using it as a dog training facility. She considers this a hobby but the Planning Department considers it a business. She wants to get into compliance to have the accessory building while she builds a residence.

Lambrecht asked when the building was built. He was told the building was started in 2015 and was finalized in January of 2017.

Schjodt asked if Lester applied for a CUP when she initially applied for the building. Drew stated Lester was told by Tanna Wirtz, the Washington County Planning and Zoning Administrator at that time, she would not get a CUP for dog training facility, so her attorney advised her to apply for a permit for a storage building. She was told no one would care what she put down.

Schjodt asked Lester if she planned to build a house. She stated yes and that her contractor was planning to apply for the permit Friday or Monday. Her contractor is Granite Homes.

Chairman Lambrecht stated that public comments need to apply to Agenda #6, a request to have an accessory building before a house.

Chairman Lambrecht opened the public hearing.

Dwight Eveland, 7717 Dutch Hall Rd, asked if the building is approved what would be the point of item seven. Lambrecht explained the purpose of the CUP is to approve an accessory building before the building of a residence.

Mary Beth Brandt, 8011 Dutch Hall Rd, started to speak but was asked to wait till the next agenda item since her comments were more concerning barking dogs.

Mark Thielen, 15622 Underwood Circle, Omaha, asked what the building can be used for if granted a CUP. Lambrecht explained there could be multiple uses for an accessory building. A commercial business would require a separate CUP.

Michelle Eveland, 7717 Dutch Hall Rd, commented on the structure not fitting in with the neighborhood.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

Sullivan explained more history of this property. The Commission discussed why the CUP is needed, the time frame for constructing a residence, and uses for the building.

Drew addressed the commission and stated that tax reasons kept Lester from building her residence. He recommended a one year time allowance for having the residence built.

Thielen stated that the County has been deceived over and over, even by the current attorney. The capital gains tax is one year. He is concerned about future deception. He also agrees that the building doesn't fit in with the neighborhood.

David Hauge, 8131 Dutch Hall Rd, has questions about the dogs and also about the building. He stated that the county was deceived to get this building.

Renee Jensen Brown, 1772 Co. Rd. P43, dog problems before Lester even built. The neighbors were told it was not possible for a dog business to be there. They contacted the Washington County Zoning office and were told there could not be a building there before a house.

Chairman Lambrecht stated that we are dealing with what we have now.

Chairman Lambrecht closed the public hearing again.

MOTION: Rasmussen

I make a motion to approve the CUP request for an accessory building before a residence with the condition that the residence be completed within one year and the building may only be used for agricultural purposes or construction storage until the residence is completed.

SECOND: Schjodt

MOTION: Schjodt

I move to amend the previous motion to include that no additional CUPs will be considered until the primary residence is finalized.

SECOND: Rasmussen

VOTE ON AMENDMENT: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

NEW MOTION: Rasmussen

I make a motion to approve the CUP request for an accessory building before a residence with the condition that the residence be completed within one year and the building may only be used for agricultural purposes or storage until the residence is completed. No other Conditional Use Permit will be considered until the primary residence is finalized through the building process. The one year begins when and if the Board of Supervisors approves this motion.

VOTE ON AMENDED MOTION: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht  
Nay – none

MOTION CARRIED

---

#### CONDITIONAL USE PERMIT

##### **7. Request by Melissa Lester**

Conditional Use Permit request to allow for the operation of a commercial dog obedience training facility on Tax Lot 67 in Section 35-Township 17 North-Range 12 East of the Sixth P.M. (General location: Dutch Hall Road & County Road P43, Omaha, NE)

Chairman Lambrecht stated that due to the previous motion, no CUP's would be considered until the primary residence is built. Drew advised the commission to act on this item since it was on the published agenda.

Drew then proceeded to explain to the commission the purpose of the request. He also submitted items for the record. He stated there would be no more than 12 dogs in the facility and they would be on a lead. No boarding would take place. They would like to continue the training during the construction of the home.

MOTION: Schjodt

I move to table item seven to a later date.

SECOND: Lambrecht

The commission discussed how to act on this item at this time. Schjodt withdrew his motion.

Chairman Lambrecht opened the public hearing with the understanding that the CUP will be denied due to the motion on Agenda Item #6.

Mary Beth Brandt, 8011 Dutch Hall Rd, addressed the commission regarding the barking dogs, the Ed Van Buren property next to the Lester property and the dust from the additional traffic.

Ed Van Buren, 7910 Dutch Hall Road, addressed the commission in favor of Lester. Most of the dust comes from Abe's trash trucks and other traffic. Lester has been a good neighbor.

Dwight Eveland voiced concerns over the barking dogs and the possibility of more barking dogs.

Ed Van Buren offered to provide videos of dogs barking on other properties.

Chairman Lambrecht closed the public hearing.

Chairman Lambrecht asked for thoughts and actions from the Commission.

MOTION: Schjodt

I make a motion to deny the CUP request as presented.

SECOND: Mathiesen

VOTE: Aye – Mathiesen, Schjodt, Rasmussen, Lambrecht

Nay – none

MOTION CARRIED

---

#### NEW BUSINESS

#### ITEMS FROM THE STAFF

Sullivan stated that he handed out a synopsis of the Six-Pack meeting.

#### ITEMS FROM THE MEMBERSHIP

Schjodt asked that the Planning Commission receive the results of the Board of Supervisors meeting. They would also like maps that show the bigger area for the Agenda items.

#### ITEMS FROM THE PUBLIC

#### ADJOURNMENT

MOTION: Mathiesen

I move to adjourn the meeting.

SECOND: Lambrecht

VOTE: Aye – Mathiesen Schjodt, Rasmussen, Lambrecht

Nay – none

MOTION CARRIED

The meeting was adjourned at 9:10 p.m.

*Gary Lambrecht, Chairman*